

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 74724

Michele Rausch

14 Cornbury Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 18, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1)(3)(5), failure to replace all loose and missing shingles, failure to replace/repair gutters and downspouts, failure to cover all exposed wood on residential property zoned DR 10.5 known as 14 Cornbury Court, 21117.

On August 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$10,000.00 (ten thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

The following persons appeared for the Hearing and testified: Max Wolfthal, President of the Queen Anne Village Homeowner's Association and, Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 22, 2010 for removal of trash and debris, and repair exterior structure, repair/replace missing gutter, downspout and flashing on rear; replace missing and loose shingles; remove rotted wood from front porch. A Citation was issued on April 27, 2010. Respondent failed to appear for the Hearing; a Final Order issued May 26, 2010 imposed a \$500.00 civil penalty with the opportunity to have it rescinded if the violations were corrected by June 28, 2010. The violations were not corrected, and the penalty was billed to Respondent on July 28, 2010. This Citation was issued on August 3, 2010.

B. Photographs in the file show a single-family residence with brick and siding, and a hipped roof with asphalt shingles. Photographs show multiple shingles are missing or loose and hanging from the roof and, roof flashing is missing. Photographs show the rear downspout is broken and not attached to the house. Photographs show missing sections of rain gutters.

C. Inspector Jeff Radcliffe testified that no repairs have been made to the house, and that rows of asphalt shingle siding are falling off the side of the hipped roof. He testified that this is an attached townhouse and that the missing and broken gutters and downspouts will cause damage to the adjoining houses.

D. Max Wolfthal, President of the Queen Anne Village Homeowner's Association, testified that this property is owner-occupied and that Respondent is sometimes in residence. He testified that sometimes mail and garbage piles up but he believes Respondent receives mail and notices. He testified that the deterioration of this property endangers neighboring houses and adversely affects the neighborhood.

E. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302. The roof and gutters must be repaired. Because the property owner is not responding to the County's notices despite the imposition of a civil penalty, the County will be authorized to repair the exterior structure at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by September 1, 2010.

IT IS FURTHER ORDERED that after September 1, 2010, the County may enter the property for the purpose of repairing exterior structures, including replacing or repairing gutters and downspouts, and repairing or replacing roof shingles and siding, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer